

## Chapter 21. Acupuncturists and Acupuncturists' Assistants

### Subchapter A. General Provisions

#### ' 2101. Scope of Chapter

The rules of this chapter govern the certification of acupuncturists and acupuncturists' assistants to perform and practice traditional Chinese acupuncture in the state of Louisiana.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1360 and R.S. 37:1270(B)(6).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:334 (March 1993).

#### ' 2103. Definitions

A. As used in this chapter, the following terms shall have the meanings specified:

*Applicant* Ca person who has applied to the board for certification as an acupuncturist or acupuncturist's assistant in the state of Louisiana.

*Application* Ca written request directed to and received by the board, upon forms supplied by the board, for certification to perform or practice acupuncture in the state of Louisiana, together with all information, certificates, documents, and other materials required by the board to be submitted with such forms.

*Board* Cthe Louisiana State Board of Medical Examiners.

*Good Moral Character* Cas applied to an applicant, means that:

1. the applicant, if a physician, has not, prior to or during the pendency of an application to the board, been guilty of any act, omission, condition, or circumstance which would provide legal cause under R.S. 37:1285 for the denial, suspension, or revocation of medical licensure;

2. the applicant has not, prior to or during the pendency of an application to the board, been culpable of any act, omission, condition, or circumstance which would provide cause under ' 5113 of these rules for the suspension or revocation of certification as an acupuncturist or acupuncturist's assistant;

3. the applicant has not, prior to or in connection with his application, made any representation to the board, knowingly or unknowingly, which is in fact false or misleading as to a material fact or omits to state any fact or matter that is material to the application; and

4. the applicant has not made any representation or failed to make a representation or engaged in any act or omission which is false, deceptive, fraudulent, or misleading in achieving or obtaining any of the qualifications for certification required by this chapter.

*Physician* Ca person possessing a doctor of medicine or an equivalent degree duly awarded by a medical educational institution approved by the board pursuant to Chapter 3, ' ' 333 to 345.

*Proposed Supervising Physician* Ca physician who has submitted to the board an application for approval as a supervising physician.

*Supervising Physician* Ca person approved by the board under this chapter to employ and supervise an acupuncturist's assistant.

B. Masculine terms wheresoever used in this chapter shall also be deemed to include the feminine.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1360 and R.S. 37:1270(B)(6).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:334 (March 1993).

### Subchapter B. Acupuncturist Certification

#### ' 2105. Scope of Subchapter

The rules of this subchapter prescribe the qualifications and procedures requisite to certification as an acupuncturist in the state of Louisiana.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:1360 and R.S. 37:1270(B)(6).

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:335 (March 1993).

#### ' 2107. Qualifications for Certification as Acupuncturist

A. To be eligible for certification as an acupuncturist, an applicant shall:

1. be a physician possessing a current, unrestricted license to practice medicine in the state of Louisiana duly issued by the board;

2. be of good moral character as defined by ' 2103.A; and

3. have successfully completed not less than six months of training in traditional Chinese acupuncture in a school or clinic approved by the board pursuant to ' ' 2117-2123 of this chapter.

B. The burden of satisfying the board as to the qualifications and eligibility of the applicant for certification shall be upon the applicant. An applicant shall not be deemed to possess such qualifications unless the applicant demonstrates and evidences such qualifications in the manner prescribed by, and to the satisfaction of, the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:335 (March 1993).

' 2109. Application Procedure

A. Application for certification shall be made upon forms supplied by the board. Application forms and instructions pertaining thereto may be obtained upon written request directed to the office of the board, Suite 100, 830 Union Street, New Orleans, LA, 70112.

B. An application for certification under this chapter shall include:

1. proof, documented in a form satisfactory to the board, that the applicant possesses the qualifications set forth in this chapter;
2. three recent photographs of the applicant; and
3. such other information and documentation as the board may require to evidence qualification for licensing.

C. All documents required to be submitted to the board must be the original thereof. All documentation submitted in a language other than English shall be accompanied by a translation into English certified by a translator other than the applicant who shall attest to the accuracy of such translation under penalty of perjury.

D. The board may refuse to consider any application which is not complete in every detail, including submission of every document required by the application form. The board may, in its discretion, require a more detailed or complete response to any request for information set forth in the application form as a condition to consideration of an application.

E. Each application submitted to the board shall be accompanied by the applicable fee, as provided in Chapter 1 of these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:335 (March 1993).

Subchapter C. Acupuncturist's Assistant Certification

' 2111. Scope of Subchapter

The rules of this subchapter prescribe the qualifications and procedures requisite to certification as an acupuncturist's assistant in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:335 (March 1993).

' 2113. Qualifications for Certification as an Acupuncturist's Assistant; Approval as Supervising Physician

A. To be eligible for certification as an acupuncturist's assistant, an applicant:

1. shall be at least 21 years of age;
2. shall be of good moral character as defined by ' 2103.A;
3. shall have successfully completed a four-year course of instruction in a high school or its equivalent;
4. shall be a citizen of the United States or possess valid and current legal authority to reside and work in the United States duly issued by the commissioner of the Immigration and Naturalization Service of the United States under and pursuant to the Immigration and Nationality Act (66 Stat. 163) and the commissioner's regulations thereunder (8 CFR);
5. shall have either:
  - a. successfully completed not less than 36 months of training in traditional Chinese acupuncture in a school or clinic approved by the board pursuant to ' ' 2117-2123 of this chapter; or
  - b. have been formally appointed or employed to perform acupuncture exclusively for research purposes by and at:
    - i. an accredited licensed hospital located in the state of Louisiana; or
    - ii. an accredited school or college of medicine located in the state of Louisiana.

B. To be eligible for approval under this chapter, a proposed supervising physician shall, as of the date of the application:

1. possess a current, unrestricted license to practice medicine in the state of Louisiana; and
2. have been in the active practice of medicine for at least five years following the completion of postgraduate residency training, if any.

C. The burden of satisfying the board as to the qualifications and eligibility of the applicant and proposed supervising physician for certification and approval shall be upon the applicant and proposed supervising physician, who shall demonstrate and evidence such qualifications in the manner prescribed by, and to the satisfaction of, the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:335 (March 1993).

' 2115. Application Procedure

A. Application for certification as an acupuncturist's assistant shall be made upon forms supplied by the board and must be submitted by the proposed supervising physician. Application forms and instructions pertaining thereto may be obtained upon written request directed to the office of the board, Suite 100, 830 Union Street, New Orleans, LA, 70112.

B. Application for certification and approval under this subchapter shall include:

1. proof, documented in a form satisfactory to the board that the applicant possesses the qualifications set forth in ' 2113 of this chapter;
2. a detailed description of the proposed supervising physician's professional background and specialty, if any; the nature and scope of his medical practice; the geographic and demographic characteristics of his medical practice; the address or location of the office where the applicant is to be employed;
3. a description of the proposed supervising physician's knowledge of and prior training or experience, if any, in traditional Chinese acupuncture;
4. a description of the specific activities to be performed by the applicant, the way in which the applicant will be utilized as an acupuncturist's assistant, and the methods to be used by the proposed supervising physician to insure responsible direction and control of the activities of the applicant as an acupuncturist's assistant;
5. affidavits, notarized and properly executed by the applicant and proposed supervising physician, certifying the truthfulness and authenticity of all information, representations, and documents contained in or submitted with the completed application; and
6. such other information and documentation as the board may require.

C. All documents required to be submitted to the board must be the original or certified copy thereof. All documentation submitted in a language other than English shall be accompanied by a translation into English certified by a translator other than the applicant who shall attest to the accuracy of such translation under penalty of perjury.

D. The board may reject or refuse to consider any application which is not complete in every detail, including submission of every document required by the application form. The board may in its discretion require a more detailed or complete response to any request for information set forth in the application form as a condition to consideration of an application.

E. Each application submitted to the board shall be accompanied by the applicable fee, as provided in Chapter 1 of these rules.

F. Upon submission of a completed application form, together with the documents required thereby, and the payment of the application fee, the applicant and proposed supervising physician shall make a personal appearance before a member of the board, or its designee, to be interviewed regarding their qualifications for certification and approval under this subchapter and their understanding of the authority, limitations, obligations, and responsibilities imposed on acupuncturists' assistants and supervising physicians by laws and regulations applicable thereto.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:336 (March 1993).

Subchapter D. Board Approval of Acupuncture Schools and Clinics

' 2117. Scope of Subchapter

The rules of this subchapter provide the method and procedures by which acupuncture schools and clinics are approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:336 (March 1993).

' 2119. Applicability of Approval

Successful completion of formal training in traditional Chinese acupuncture from a school or clinic approved by the board is among the qualifications requisite to certification as an acupuncturist, as provided by ' 2107.A.3, and is an alternative qualification requisite to certification as an acupuncturist's assistant as provided by ' 2113.A.4.a. This qualification will be deemed to be satisfied if the school or clinic in which the applicant received training in traditional Chinese acupuncture was approved by the board as of the date on which the applicant completed such training.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:336 (March 1993).

' 2121. Approval of Acupuncture Schools

A. A school providing training in traditional Chinese acupuncture which is currently accredited by the National Accreditation Commission for Schools and Colleges of Acupuncture and Oriental Medicine (NACSCAOM) shall concurrently be deemed approved by the board.

B. A school providing training in traditional Chinese acupuncture which has been accorded candidacy status by NACSCAOM shall concurrently be deemed conditionally approved by the board, provided that board approval shall be automatically withdrawn if accreditation is not awarded by NACSCAOM within three years of the date on which candidacy status was recognized.

C. The board may approve additional schools or programs providing training in traditional Chinese acupuncture upon the request of an applicant or application by any such school or program and upon the submission to the board of documentation that such school or program provides training in Chinese acupuncture under standards substantially equivalent to those prescribed by NACSCAOM for accreditation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:336 (March 1993).

' 2123. List of Approved Schools

A listing of approved schools and programs providing training in traditional Chinese acupuncture is set forth in an appendix to Chapter 51 and shall from time to time be amended and supplemented by the board consistently with the provisions of this subchapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:337 (March 1993).

Subchapter E. Certification Issuance, Termination, Renewal, Reinstatement

' 2125. Issuance of Certification

A. If the qualifications, requirements, and procedures of ' ' 2107 and 2109 are met to the satisfaction of the board, the board shall certify the applicant as an acupuncturist.

B. If the qualifications, requirements, and procedures of ' ' 2113 and 2115 are met to the satisfaction of the board, the board shall certify the applicant as an acupuncturist's assistant, subject to the terms, restrictions, and limitations set forth in the approved application. Issuance of certification to an applicant under this chapter shall constitute approval of the proposed supervising physician.

C. Each acupuncturist's assistant's certificate issued under this chapter shall be endorsed as Class A or Class B as follows:

1. An acupuncturist's assistant Class A certificate shall be issued to an applicant who qualifies for certification pursuant to ' 2113.A.5.a of this chapter.

2. An acupuncturist's assistant Class B certificate shall be issued to an applicant who qualifies for certification pursuant to ' 2113.A.5.b of this chapter. Such certificate shall be further endorsed with the name and location of the hospital, medical school, or clinic at which the applicant is to be employed to perform acupuncture exclusively for research purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:337 (March 1993).

' 2127. Expiration and Termination of Certification

A. Every certification and approval issued by the board under this chapter, the expiration date of which is not stated thereon, shall expire, and become null, void, and to no effect on the last day of the year in which such certification was issued.

B. The timely submission of an application for renewal of certification, as provided by ' 2129 of this chapter, shall operate to continue the expiring certification in full force and effect pending issuance or denial of renewal certification.

C. Certification as an acupuncturist's assistant, whether an initial certificate or renewal thereof, shall terminate on and as of any day that:

1. the supervising physician no longer possesses a current, unrestricted license to practice medicine in the state of Louisiana;
  2. the supervising physician, whether voluntarily or involuntarily, ceases the active practice of medicine;
- or
3. the employment relationship between the acupuncturist's assistant and the supervising physician is terminated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:337 (March 1993).

' 2129. Renewal of Certification

A. Every certificate issued by the board under this chapter shall be renewed annually on or before its date of expiration by submitting to the board a properly completed application for renewal, upon forms supplied by the board, together with the renewal fee prescribed in Chapter 1 of these rules.

B. An application for renewal of certification form shall be mailed by the board to each person holding certification issued under this chapter on or before the first day of December of each year. Such form shall be mailed to the most recent address of each certificate holder as reflected in the official records of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1360 and R.S. 37:1270(B)(6).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 19:337 (March 1993).